

§ 228.44 Public notice by banks.

A bank shall provide in the public lobby of its main office and each of its branches the appropriate public notice set forth in Appendix B of this part. Only a branch of a bank having more than one assessment area shall include the bracketed material in the notice for branch offices. Only a bank that is an affiliate of a holding company shall include the next to the last sentence of the notices. A bank shall include the last sentence of the notices only if it is an affiliate of a holding company that is not prevented by statute from acquiring additional banks.

§ 228.45 Publication of planned examination schedule.

The Board publishes at least 30 days in advance of the beginning of each calendar quarter a list of banks scheduled for CRA examinations in that quarter.

Subpart D—Transition Rules**§ 228.51 Transition rules.**

(a) *Effective date.* Sections of this part become applicable over a period of time in accordance with the schedule set forth in paragraph (c) of this section. Notwithstanding paragraph (c) of this section, when a bank, either voluntarily or mandatorily, becomes subject to the performance tests and standards of §§ 228.21 through 228.27, the bank must comply with all the pertinent requirements of §§ 228.11 through 228.44, and no longer must comply with the requirements of §§ 228.3 through 228.7.

(b) *Data collection and reporting; strategic plan; performance tests and standards.* (i) On January 1, 1996, the data collection requirements set forth in § 228.42 (except § 228.42(b) and (g)) become applicable.

(ii) On January 1, 1997, the data reporting requirements set forth in § 228.42(b) and (g) become applicable.

(2) *Small banks.* Beginning January 1, 1996, the Board evaluates banks that qualify for the small bank performance standards described in § 228.26 under that section.

(3) *Strategic plan.* Beginning January 1, 1996, a bank that elects to be evaluated under an approved strategic plan pursuant to § 228.27 may submit its

strategic plan to the Board for approval.

(4) *Other performance tests.* (i) Beginning January 1, 1996, a bank may elect to be evaluated under the pertinent revised performance tests described in §§ 228.22, 228.23, 228.24, and 228.25, if the bank provides the necessary data to permit evaluation.

(ii) Beginning July 1, 1997, the Board evaluates all banks under the pertinent revised performance tests.

(c) *Schedule.* (1) On July 1, 1995, §§ 228.11, 228.12, 228.29, and 228.51 become applicable, and §§ 228.1, 228.2, 228.8, and 228.100 expire.

(2) On January 1, 1996, § 228.41 and the pertinent provisions of Subpart B of this part will apply to banks that elect to be evaluated under §§ 228.22 through 228.25, banks that submit for approval strategic plans under § 228.27, and banks that qualify for the small bank performance standards described in § 228.26.

(3) On January 1, 1996, §§ 228.42 (except § 228.42(b) and (g)) and 228.45 become applicable.

(4) On January 1, 1997, §§ 228.41 and 228.42(b) and (g) become applicable.

(5) On July 1, 1997, §§ 228.21 through 228.28, 228.43, and 228.44 become applicable, and §§ 228.3 through 228.7, and 228.51 expire.

[Reg. BB, 60 FR 22197, May 4, 1995, as amended at 60 FR 66050, Dec. 20, 1995]

EFFECTIVE DATE NOTE: At 60 FR 22201, May 4, 1995, § 228.51 was removed, effective July 1, 1997.

APPENDIX A TO PART 228—RATINGS

(a) *Ratings in general.* (1) In assigning a rating, the Board evaluates a bank's performance under the applicable performance criteria in this part, in accordance with § 228.21, and § 228.28, which provides for adjustments on the basis of evidence of discriminatory or other illegal credit practices.

(2) A bank's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. The bank's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows.

(b) *Banks evaluated under the lending, investment, and service tests—*(1) *Lending performance rating.* The Board assigns each